

**Congress of the United States**  
**Washington, DC 20515**

May 28, 2003

The Honorable Ann M. Veneman  
Secretary  
US Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250-0003

Dear Madam Secretary:

On the anniversary of an outbreak of a life-threatening strain of *E. coli* in New York, and in the wake of the discovery of mad cow disease in Canada, we write to request your support for legislation that would (1) require implementation of traceability systems and record keeping to allow for traceback of meat and poultry products; (2) improve access to records for USDA employees; and (3) establish penalties for failure to comply with the law.

One year ago this week, two young girls from Rockland County, New York, became severely ill after eating ground beef contaminated with a life-threatening strain of *E. coli*. One of these girls suffered permanent damage to her pancreas so that she now takes multiple pills before each meal and suffers from insulin-dependent diabetes. Federal, state, and local health officials never found the source of this outbreak because the information and records to trace the products implicated did not exist.

Contaminated meat was found in the home freezer of one of the girls. The meat was purchased at BJ's Wholesaler in West Nyack. Six weeks after the initial illnesses, BJ's issued a limited voluntary recall but only the 131 customers who bought the meat at the West Nyack outlet were contacted. Despite the potential dangers to others, USDA never issued a broader recall because the source of contamination could not be identified.

On September 23, 2002, after being contacted by a family member of one of the young girls, Rep. Waxman wrote you to determine the measures taken to contain the spread of pathogenic *E. coli* in Rockland County. In a reply letter dated January 22, 2003, Garry McKee, Administrator at the Food Safety Inspection Service, stated that the agency never found the source of the contamination with the pathogen:

"It was not possible to establish a link between the BJ's ground beef product and any federally inspected establishment because BJ's combines meat from over a dozen suppliers to make the product. Also, BJ's does not maintain grinding logs that might help narrow down the source of contamination. . . . The source of contamination simply could not be determined."

Dr. McKee wrote that USDA halted its investigation on the grounds that as a "science-based agency" it would be "imprudent" to take additional action. In other words, USDA could not pursue a broader recall because there was not sufficient evidence of the source of contamination and, at the same time, declined to investigate BJ's suppliers to find more evidence.

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BJ's records were both clearly inadequate for consumer protection and yet fully legal. The safety of our food supply is at risk as long as meat and poultry producers are not required to implement traceability systems and maintain records that allow for rapid identification of sources of contamination.

The recent case of bovine spongiform encephalopathy detected in Canada, the potential presence of other pathogenic *E. Coli* strains, *Salmonella*, *Listeria* and other dangerous microorganisms, as well as the increased concerns due to terrorist threats to our food supply, justify the need for mandatory traceability systems for meat and poultry products. We thank you for your prompt attention and look forward to receiving your response.

Sincerely,



Charles E. Schumer  
Senator  
U.S. Senate



Eliot L. Engel  
Member  
U.S. House of Representatives



Henry A. Waxman  
Member  
U.S. House of Representatives